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U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON, GEORGIAQUESTIONNAIRE FOR THE PRISONERS PROCEEDING
PRO SE UNDER 42 U.S.C. § 1983MARQUISE ROBBINS #1000413667
MARCUS ANTONIO WARNER #1086264
RODRICK ELLIS #1048687
NINJA HASSAN WHEELER #1000822028

(GIVE FULL NAME AND PRISON NUMBER OF PLAINTIFF)

Plaintiff

CIVIL ACTION NO:

5:14-CV-095

VS.

LARRY JORDAN
T. JEFFERSON
RODNEY SMITH
GARY HARDEN, BADGE #3152

(NAME OF EACH DEFENDANT)

Defendant(s)

I. GENERAL INFORMATION

1. Your full name and prison number MARQUISE ROBBINS #1000413667
2. Name and location of prison where you are now confined B.S.P. HARDWICK, GA 31034
3. Sentence you are now serving (how long?) 50 SERVE 25 YEARS

(a) What were you convicted of? VOLUNTARY MANSLAUGHTER(b) Name and location of court which imposed sentence FULTON COUNTY
ATLANTA, GEORGIA(c) When was sentence imposed? OCTOBER 29, 2010(d) Did you appeal your sentence and/or conviction? Yes ☒ No ☐

(e) What was the result of your appeal? _____

(f) Approximate date your sentence will be completed NOVEMBER 16, 2033

II. PREVIOUS LAWSUITS

NOTE: FAILURE TO DISCLOSE ALL PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE. IF YOU ARE UNSURE OF ANY PRIOR CASES YOU HAVE FILED, THAT FACT MUST BE DISCLOSED AS WELL.

4. Other than an appeal of your conviction or sentence, and other than any habeas action, have you filed a lawsuit dealing with the same or similar facts or issues that are involved in this action?

Yes ☐ No ☒

5. If your answer to question 4 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit INVOLVING SAME FACTS:

Plaintiff(s): _____

Defendant(s): _____

(b) Name of Court: _____

(c) Docket Number: _____ When did you file this lawsuit? _____

(d) Name of judge assigned to case: _____

(e) Is this case still pending? Yes ☐ No ☐

(f) If your answer to (e) is "No", when was it disposed of and what were the results?

(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

6. Other than an appeal of your conviction or sentence, and other than any habeas action, have you ever filed any lawsuit while incarcerated or detained? Yes ☒ No ☐

7. If your answer to question 6 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s): MARQUISE ROBBINS

Defendant(s): SHELIA OUBRE, CAGER DAVIS, KEITH CARTER

(b) Name of Court: MIDDLE DISTRICT OF GEORGIA

(c) Docket Number: 5:13-cr-348 When did you file this lawsuit? SEPT 16, 2013

(d) Name of judge assigned to case: C. A. ROYAL

(e) Is this case still pending? Yes ☒ No ☐

(f) If your answer to (e) is "No", when was it disposed of and what were the results?
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

8. AS TO ANY LAWSUIT FILED IN ANY FEDERAL COURT in which you were permitted to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes ☐ No ☒

If your answer is Yes, state the name of the court and docket number as to each case:

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III. PLACE OF INCIDENT COMPLAINED ABOUT

9. Where did the matters you complain about in this lawsuit take place? BALDWIN STATE PRISON, ADMINISTRATIVE SEGREGATION, K-1 TOP RANGE

(a) Does this institution have a grievance procedure? Yes ☒ No ☐

(b) If your answer to question 9(a) is "Yes", answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

Yes ☒ No ☐

(2) If Yes, what was the result? I TURNED IN MY COMPLAINT ON 10-29-13, MY GRIEVANCE WAS NOT PROCESSED AND DENIED ON 11-19-13. I APPEALED TO THE DEPT OF CORRECTIONS ON 12-5-13 (SEE ATTACHMENTS) ^(EXHIBITS A, B, C)

(3) If No, explain why not: _____

(c) What, if anything else, did you do or attempt to do to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to.

AFTER THE FIRST FIRE ON 10-28-13, I TOLD UNIT MANAGER SMITH, AND DEPUTY WARDEN OF SECURITY L. JORDAN, THAT I DID NOT FEEL SAFE BEING HOUSED ON K-1 TOP RANGE. I ASKED TO BE MOVED TO SOMEWHERE SAFE.

(d) Did you appeal any denial of your grievance to the highest level possible in the prison system? Yes ☒ No ☐

(1) If Yes, to whom did you appeal and what was the result? I APPEALED MY GRIEVANCE TO THE DEPT OF CORRECTIONS AND THE RESULT WAS A RESPONSE OF DENIED. (SEE ATTACHMENTS)

(2) If No, explain why you did not appeal:

10. In what other institutions have been confined? Give dates of entry and exit.

FULTON COUNTY JAIL FROM NOV 2008 TO DEC 2010,
BALDWIN STATE PRISON FROM APRIL 2011 TO THE PRESENT
TIME AND DATE.

IV. PARTIES TO THIS LAWSUIT

11. List your CURRENT place of incarceration/ mailing address.

BALDWIN STATE PRISON, P.O. Box #218, HARDWICK, GA 31034

12. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

LARRY JORDAN, DEPUTY WARDEN OF SECURITY, BALDWIN STATE PRISON
T. JEFFERSON, DEPUTY WARDEN OF SECURITY, BALDWIN STATE PRISON
RODNEY SMITH, UNIT MANAGER, BALDWIN STATE PRISON
GARY HARDEN, BADGE #3152, OFFICER, BALDWIN STATE PRISON

V. STATEMENT OF CLAIM

13. In the space hereafter provided, and on separate sheets of paper if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them? Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim SEPARATELY.

DO NOT GIVE ANY LEGAL ARGUMENT OR CIT ANY CASES OR STATUTES AT THIS TIME; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. KEEP IN MIND THAT RULES 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE REQUIRES THAT PLEADINGS BE SIMPLE, CONCISE, and DIRECT! If the court needs additional information from you, you will be notified.

WHERE did the incident you are complaining about occur? That is, at what institution or institutions? IT OCCURRED AT BALDWIN STATE PRISON

WHEN do you allege this incident took place? ON 2-5-14

WHAT happened? ON 2-5-14, THE DEPUTY WARDENS OF SECURITY LARRY JORDAN, T. JEFFERSON, AND UNIT MANAGER RODNEY SMITH, AND OFFICER GARY HARDEN, BADGE #3152, DEPRIVED ME OF A CONSTITUTIONAL RIGHT TO BE PROTECTED FROM CRUEL AND UNUSUAL PUNISHMENT. EACH OF THE ABOVE OFFICIALS EXPOSED ME TO AN UNREASONABLE RISK OF SERIOUS HARM, AND DEPRIVED ME OF A BASIC HUMAN NEED THROUGH LACK OF FIRE SAFETY. OFFICER GARY HARDEN PROVOKED A WELL KNOWN "FIRE STARTER" TO SET A FIRE IN HIS CELL WHEN HE REFUSED TO ALLOW INMATE ROBERT DENNIS #927784, TO RECEIVE HIS MEDICATION AND TOLD HIM HE WAS NOT GOING TO FEED HIM. I HEARD UNIT MANAGER, RODNEY SMITH GIVE THE ORDER TO OFFICER HARDEN ABOUT NOT OPENING ROBERT DENNIS TRAY SLOT WHEN THE FOOD TRAYS ARRIVE. INMATE ROBERT DENNIS OVERHEARD WHAT UNIT MANAGER SMITH TOLD OFFICER HARDEN, AND BECAME FURIOUS AND GAVE FULL WARNING TO BOTH RODNEY SMITH, AND OFFICER HARDEN THAT IF HE DID NOT RECEIVE HIS MEDICATION HE WAS GOING TO SET HIS CELL ON FIRE. BOTH OF THESE OFFICIALS IGNORED ROBERT DENNIS WARNING THAT HE WAS GOING TO SET A FIRE. (SEE ATTACHMENT)

14. List the name and address of every person you believe was a WITNESS to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

THE FOLLOWING INMATES WERE ON THE TOP RANGE OF K-1 WHEN THE FIRE OF 2-5-14 WAS STARTED: MARQUISE ROBBINS, MARCUS WARNER, RODRICK ELLIS, NINKA WHEELER, CURTIS HORNE, CHRISTOPHER PAYNE, UGENE SAMS, ROBERT DENNIS. EACH ARE HOUSED AT THE BALDWIN STATE PRISON. OTHER INMATES WHO WERE IN K-1 DORMITORY THAT DAY WHO ARE WITNESSES TO BOTH FIRES (SEE ATTACHMENT)

15. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes! (USE ADDITIONAL SHEETS, IF NECESSARY)

(1) DECLARE THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFFS RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES.

(2) ENTER JUDGEMENT IN FAVOR OF PLAINTIFFS ROBBINS, WARNER, ELLIS, AND WHEELER FOR PUNITIVE DAMAGES IN THE AMOUNT OF \$10,000.00 AGAINST EACH DEFENDANT JOINTLY AND SEVERALLY TAX FREE IN ONE LUMP SUM AMOUNT, CONSEQUENTIAL DAMAGES IN THE AMOUNT OF \$7,000.00 AGAINST EACH DEFENDANT JOINTLY AND SEVERALLY TAX FREE IN ONE LUMP SUM AMOUNT, FUTURE DAMAGES IN THE AMOUNT OF \$10,000.00 AGAINST EACH DEFENDANT (SEE ATTACHMENT)

16. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

17. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means that you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT! IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE! If you fail to prosecute your case, it will be dismissed under Rule 41 of the Federal Rules of Civil Procedure.

Signed this 20th day of FEBRUARY, 2014.

Marquise Robbins
PLAINTIFF

ATTACHMENT TO STATEMENT OF CLAIM

AS A RESULT, ROBERT DENNIS STARTED A HAZARDOUS FIRE IN HIS CELL. I WAS TWO CELLS DOWN FROM ROBERT DENNIS IN CELL #18, HE WAS IN CELL #16. BOTH DEPUTY WARDENS OF SECURITY KNEW THAT ROBERT DENNIS WAS KNOWN FOR TRYING TO SET HIS CELL AND OTHER CELLS ON FIRE, AND KNEW THAT IT IS VERY DIFFICULT TO EVACUATE INMATES FROM THEIR CELLS, AND OUT OF THE BUILDING FROM THE LAST TIME ROBERT DENNIS TRIED TO BURN K-1 DORMITORY DOWN ON 10-28-13, IN CELL NUMBER 17. I GAGGED AND CHOKED ON SMOKE FOR 15 MINUTES BEFORE I LOST CONSCIOUSNESS AND FELL OUT TO THE FLOOR. A FEW MINUTES OR SO, A OFFICER HELPED LIFT ME OFF OF THE FLOOR AND LEAD ME TO SAFETY OUTSIDE THE BUILDING. I NOW HAVE SEVERE CHEST PAINS, REPEATED HEAD PAINS, AND SORE LUNGS DUE TO THE SUFFOCATING SMOKE THAT SURROUNDED THE INSIDE OF MY CELL AND THE ENTIRE K-1 DORMITORY.

THIS IS THE SECOND TIME THIS HAS HAPPENED IN A 3 MONTH TIME SPAN. (SEE MY GRIEVANCE FILED WITH B.S.P. ON 10-29-13 ATTACHED TO THIS COMPLAINT) (SEE ALSO THE MIDDLE DISTRICT COURT OF GEORGIA, COURT CLERK CIVIL DOCKET OF CASE NUMBER 5:13-CV-00348-(CAR)-(CHW) DOCUMENT NUMBER 19 EXHIBIT NOTICE OF EXHIBIT M OF WITNESS STATEMENT) BALDWIN STATE PRISON IS A MENTAL HEALTH INSTITUTION FOR PRISONERS, AND THE OFFICIALS ARE SUPPOSE TO BE RESPONDENT TO WARNINGS THAT PRISONERS

WILL MAKE ATTEMPTS TO COMMIT SUICIDE, AND PREVENT EXPOSURE TO THE EXTREME BEHAVIOR OF SEVERLY MENTALLY ILL PRISONERS. NOT ONLY DID ROBERT DENNIS SET A DANGEROUS FIRE, BUT IT WAS HIS SECOND TIME STARTING A FIRE IN THE SAME DORMITORY, ON THE SAME TOP-RANGE AROUND THE SAME INMATES IN THREE MONTHS. THE FIRST FIRE HE STARTED WAS IN CELL #17. AFTERWARDS THE ADMINISTRATION PLACED HIM IN CELL #16 ONCE THEY RECONSTRUCTED CELL #17. WE ASKED THE ADMINISTRATION NOT TO HOUSE ROBERT DENNIS IN 1C-1 BECAUSE ALL THE INMATES FELT THEIR LIVES WERE IN DANGER. THE UNIT MANAGER, AND BOTH DEPUTY WARDENS OF SECURITY REFUSED TO PLACE ROBERT DENNIS SOMEWHERE HE COULDN'T CAUSE HARM TO HIMSELF, OR OTHER PRISONERS.

BOTH OF THESE INCIDENTS ON 10-28-13 AND 2-5-14 ENDANGERED A LOT OF LIVES AND MEDICAL TREATMENT WAS DENIED BY THE PRISON STAFF. THE BALDWIN COUNTY FIRE DEPARTMENT WAS NOTIFIED ON BOTH INCIDENTS, BUT WAS NOT ALLOWED TO COME INSIDE THE BUILDING OF HAZARDOUS SMOKE. BALDWIN COUNTY POLICE DISPATCHER WAS CALLED BY A INMATE WITH A CELLPHONE DURING THE FIRE OF 2-5-14, AND HE INFORMED THE AUTHORITIES THAT THE INMATES WERE TRAPPED INSIDE THEIR CELLS WITH SMOKE SURROUNDING INSIDE AND OUTSIDE THE CELLS.

THIS INMATE WAS ON THE PHONE WITH THE DISPATCHER FOR A FEW MINUTES BEFORE HANGING UP. BOTH FIRES ARE ALSO DOCUMENTED INSIDE THE K1 DORMITORY LOGBOOK FOR FUTURE EVIDENCE. THE CELL DOORS IN K-1 CANNOT BE REMOTELY UNLOCKED. THERE ARE (3) SETS OF LOCKS ON EACH CELL DOOR WHICH IS TIME CONSUMING IN EMERGENCY EVACUATION SITUATIONS. THERE ARE NO SMOKE DETECTORS, FIRE EXTINGUISHERS, FIRE ALARMS, OR ANY FIRE EQUIPMENT IN K-1 DORMITORY. THE SPRINKLERS ARE TAKEN OUT OF THE WALL UNIT IN EACH CELL OF THE K-1 DORMITORY. THE COMBINATION OF THESE CIRCUMSTANCES AND RECKLESS ENDANGERMENT OF THE PRISON ADMINISTRATION HAS CAUSED AN EXTREMELY GREAT FIRE HAZARD.

PLAINTIFF MARCUS WARNER

ON 2-5-14, I MARCUS WARNER, GDC #10862464, MY RIGHTS ACCORDING TO THE UNITED STATES CONSTITUTION 8th AMENDMENT, HAVE BEEN VIOLATED BY THE FOLLOWING OFFICIALS: DEPUTY WARDEN OF SECURITY LARRY JORDAN, T. JEFFERSON, UNIT MANAGER RODNEY SMITH, AND OFFICER GARY HARDEN, BADGE #3152. EACH DEPRIVED ME OF MY FUNDAMENTAL RIGHT TO BE PROTECTED FROM EXCESSIVE RISK TO MY SAFETY, AND EXPOSED ME TO AN UNREASONABLE RISK OF SERIOUS HARM THROUGH LACK OF FIRE SAFETY. OFFICER GARY HARDEN, BADGE #3152 CAUSED A WELL KNOWN MENTALLY ILL PRISONER TO IGNITE A FIRE WHEN HE REFUSED TO ALLOW

INMATE ROBERT DENNIS #927784, TO RECEIVE HIS MEDICATION AND TOLD HIM THAT HE WASNT GOING TO FEED ROBERT DENNIS. I HEARD UNIT MANAGER SMITH TELL OFFICER HARDEN NOT TO OPEN ROBERT DENNIS TRAY SLOT, MEANING NOT TO FEED HIM WHENEVER THE FOOD ARRIVE. INMATE ROBERT DENNIS HEARD WHAT UNIT MANAGER SMITH TOLD OFFICER HARDEN AND WAS VERY ANGRY. HE GAVE A FULL VERBAL WARNING TO UNIT MANAGER SMITH AND OFFICER HARDEN THAT IF HE DONT GET HIS MEDICATION AND FOOD THAT "HE WAS GOING TO SET THIS BITCH ON FIRE". NONE OF THE OFFICIALS UNIT MANAGER SMITH OR OFFICER HARDEN LISTENED TO THE THREAT INMATE DENNIS GAVE. AS A RESULT, HE SET A VERY HUGH AND DANGEROUS FIRE IN HIS CELL THAT WAS UNCONTROLLABLE AND VERY DIFFICULT TO WITHSTAND. I WAS THREE CELLS DOWN IN CELL #19 AND ROBERT DENNIS WAS IN CELL #16 WHEN THE INCIDENT OCCURRED.

BOTH OF THE DEPUTY WARDEN'S OF SECURITY AND UNIT MANAGER ALONG WITH OFFICER HARDEN KNEW THAT INMATE ROBERT DENNIS WAS KNOWN FOR SETTING FIRES IN HIS CELL ENDANGERING HIMSELF AND THE LIVES OF OTHER INMATE'S AT ANY GIVEN TIME.

THIS HAS NOT BEEN THE FIRST TIME THAT INMATE ROBERT DENNIS HAS SET A FIRE AND NEARLY KILLED ALOT OF OTHER INMATES. THEY ALSO KNOW THAT ITS VERY UNLIKELY TO MAINTAIN CONTROL AND EVACUATE INMATES FROM THEIR CELLS

BECAUSE OF THE LAST TIME INMATE DENNIS STARTED A HAZARDOUS FIRE IN CELL # 17 ON 10-28-13. SINCE BOTH OF THESE TRAUMATIC EXPERIENCES OCCURRED IVE BEEN HAVING SEVERE CHEST PAINS AND TROUBLE BREATHING, AS WELL AS HEADACHES AND UNEXPECTED FLASHBACKS. MY BREATHING HAS BEEN TROUBLESOME SINCE THE FIRST FIRE ON 10-28-13 WHEN I WAS IN CELL # 20, AND ROBERT DENNIS WAS IN CELL # 17.

THIS IS THE SECOND UNATTENDED AND HAZARDOUS FIRE WITHIN A 90 DAY TIME FRAME. (SEE MY GRIEVANCE FILED WITH B.S.P. ON 10-29-13 GRIEVANCE #160122) THE OFFICIALS ON BOTH DATES OF THE FIRE 10-28-13 AND 2-5-14, REFUSED TO ALLOW ME MEDICAL TREATMENT WHEN I TOLD THEM MY CHEST AND LUNGS WERE HURTING ME. THE INMATES IN K-1 DORMITORY WERE PLACED IN THEIR CELLS ABOUT 2 TO 3 HOURS LATER, INCLUDING INMATE ROBERT DENNIS AFTER THE FIRE. THEN OFFICIALS PLACED ROBERT DENNIS BACK INSIDE CELL #10.

THERE ARE NO SPRINKLERS, SMOKE DETECTORS, FIRE EXTINGUISHERS, OR ANY FIRE EQUIPMENT INSIDE K-1 DORMITORY. NO FIRE DRILLS ARE PRACTICED AND THERE ARE THREE DIFFERENT SETS OF LOCKS ON EACH CELL DOOR. THESE ARE PROHIBITIONS TO INMATES SAFETY AS A WHOLE AND THESE CIRCUMSTANCES HAS BEEN EXTREMELY HARMFUL, TO OUR HEALTH.

PLAINTIFF NINJA WHEELER

ON THE MORNING OF 2-5-14, BETWEEN THE HOURS OF 9:00 A.M. AND 11:00 A.M., I AWOKE TO THE SOUNDS OF A FEW OF MY PEERS BANGING ON THEIR CELL DOORS AND SCREAMING; "FIRE! FIRE!". BY THIS TIME, THERE WAS THICK BILLOWS OF SMOKE POURING INTO MY CELL THROUGH THE CRACKS OF THE CELL DOOR. WITH THE THICK SMOKE FILLING MY ROOM FAST, INSTINCTIVELY, I RAN FOR THE WINDOW THAT'S AT THE BACK OF MY CELL, AND TRIED TO OPEN IT, BUT IT WAS LOCKED. SO I THEN (KNOWING THERE WASNT ANY EMERGENCY PANEL BOTON IN MY CELL) I BEGAN BANGING ON MY CELL DOOR AND SCREAMING "FIRE!", IN A ATTEMPT TO ALERT THE OFFICERS WHO WERE WORKING OUR DORMITORY OF WHAT WAS HAPPENING. SUDDENLY, I WAS CHOKING FROM THE SMOKE THAT WAS SURROUNDING MY CELL, AND I WAS BARELY ABLE TO SEE IN FRONT OF ME. I GRABBED A WASH CLOTH, PUT IT TO MY FACE AND LAID ON THE FLOOR UNTIL HELP ARRIVED.

ONCE I HAD FINALLY EVACUATED K-1 DORMITORY AND WAS OUTSIDE INSIDE THE RECREATIONAL CAGE, I WAS PLACED IN THE CAGE WITH INMATE MARQUSE ALI ROBBINS, GDC# 1000413667. THAT'S WHEN HE AND I STARTED TO TALK AND COMFORT EACH OTHER ABOUT OUR NEAR DEATH EXPERIENCE WITH THIS HAZARDOUS FIRE, WE SHARED OUR CONCERNS ABOUT THE EXTREME CONDITIONS

WE ARE BOTH FORCED TO FACE AND LIVE UNDER AT BALDWIN STATE PRISON. THE BOLTS AND PADLOCKS ON OUR CELL DOORS THAT PREVENT THE PRISON AUTHORITIES FROM EVACUATING US IN A SAFE AND TIMELY FASHION, AND LACK OF SPRINKLERS AND SMOKE ALARMS, FIRE EXTINGUISHERS, AND PRECAUTION FIRE EQUIPMENT HAS DEPRIVED ALL OF US OF OUR CONSTITUTIONAL RIGHT TO BE PROTECTED, AND PROVIDED WITH OUR BASIC HUMAN NEEDS.

I WAS INFORMED BY MARQUISE ROBBINS, CDC# 100X13667, THAT THIS WAS NOT THE FIRST TIME THIS SITUATION HAS OCCURRED. AND MARQUISE ROBBINS HAS FILED GRIEVANCES ABOUT THIS HAZARDOUS PROBLEM CONCERNING THE SAME ISSUES AND WAS DENIED RELIEF BY PRISON AUTHORITIES.

AFTER SEEING VISUAL PROOF OF INMATE ROBBINS GRIEVANCE CONCERNING SAFETY ISSUES, IVE CAME TO THE CONCLUSION THAT THE DEPUTY WARDENS OF SECURITY, LARRY JORDAN, T. JEFFERSON, UNIT MANAGER, RODNEY SMITH, OFFICER GARY HARDEN, BAGE# 3152, AND D.O.C. OMBUDSMAN, LISA FOUNTAIN, DID ACT WITH "DELIBERATE INDIFFERENCE" TO A PRISON CONDITION THAT EXPOSED ALL OF US TO AN UNREASONABLE RISK OF SERIOUS HARM, WHEN THEY WERE CONFRONTED WITH THESE ISSUES.

UNDER THESE HARMFUL CONDITIONS INMATES AT B.S.P. IN K-1 ARE FORCED TO LIVE IN COULD AND WILL AFFECT

OUR SAFETY, HEALTH, AND LIVES. THE OFFICIALS HAVE DENIED ME FROM OBTAINING ANY MEDICAL TREATMENT WHATSOEVER. MY HEAD HURTS DAILY AND MY CHEST HAS BEEN ACHEING ALOT SINCE THE FIRE OF 2-5-14. I HAVE BAD DREAMS THAT IM GOING TO BURN ALIVE IN MY CELL. I TRULY BELIEVE THE PRISON AUTHORITIES ARE TRYING TO "COVER-UP" THE FIRE INCIDENTS THAT TOOK PLACE ON 2-5-14 AND 10-28-13 BECAUSE THEY REFUSE TO ALLOW US TO GO TO MEDICAL.

THE BALDWIN COUNTY POLICE DISPATCHER WAS INFORMED BY A INMATE WHO HAPPENED TO HAVE A CELL PHONE DURING THIS TRAUMATIC EXPERIENCE AND HE NOTIFIED THEM THAT INMATES WERE TRAPPED INSIDE THEIR CELLS WITH THICK SMOKE CHOKING ALL OF US. THE FIRE DEPARTMENT WAS NOT ALLOWED IN THE BUILDING TO INVESTIGATE THIS FIRE DUE TO THE PRISON AUTHORITIES DENYING THEM ACCESS INSIDE. BOTH INCIDENTS ARE DOCUMENTED INSIDE THE K-1 DORMITORY OFFICE LOGBOOK, AND THE WALL CAMERA'S IN K-1 RECORDED THE WHOLE INCIDENT.

PLAINTIFF RODRICK ELLIS

ON 02-05-14 WHILE I WAS LAYING IN MY BED ASLEEP. I ABSORBED SMOKE IN MY CELL THAT STARTED TO SUFFOCATE AND CHOKE ME OUT OF MY SLEEP, FROM A FIRE THAT WAS SET IN CELL #16, WHICH IS RIGHT NEXT TO MY ROOM IN CELL #17.

THERE WAS SO MUCH THICK CLOUDS OF SMOKE IN MY CELL AND THE TOP-RANGE THAT I COULDN'T SEE ANYTHING OR LOCATE A OFFICER THROUGH MY CELL DOOR WINDOW.

I HEARD INMATES SCREAMING AND YELLING FOR THEIR LIFE AND PANICKING ALL AT THE SAME TIME. IT TOOK THE OFFICERS 15 MINUTES OR MAYBE MORE TO EVACUATE ME AND GET ME OUTSIDE TO SAFETY. I HAD TO RUN THROUGH BOMBS OF SMOKE AND STAY LOW TO THE FLOOR TO MAKE IT OUTSIDE ALIVE.

SINCE THIS HORRIBLE AND TERRIFYING FIRE OCCURRED, I HAVE BEEN HAVING SEVERE HEADPAINS AND TROUBLE BREATHING PROPERLY. MY CHEST IS SORE AND IVE BEEN REFUSES MEDICAL TREATMENT NUMEROUS OF TIMES WITHOUT ANY REASONABLE JUSTIFICATION.

THE FOLLOWING OFFICIALS ARE ACCOUNTABLE AND RESPONSIBLE FOR MY PAIN AND SUFFERING, AS WELL AS MY PHYSICAL BODILY INJURIES AND PSYCHOLOGICAL DISTRESS:

DEPUTY WARDEN'S OF SECURITY LARRY JORDAN, AND T. JEFFERSON, UNIT MANAGER, RODNEY SMITH, OFFICER GARY HARDEN, BADGE # 3152.

EACH OF THESE PRISON OFFICIALS KNOWS THAT ROBERT DENNIS IS SEVERLY ILL AND WILL MAKE ATTEMPTS TO COMMIT SUICIDE AND HURT OTHERS THROUGH STARTING FIRES INSIDE OF HIS OWN CELL. AFTER THE FIRE THE PRISON OFFICIALS PLACED ROBERT DENNIS BACK INTO HIS BURNING CELL EVEN THOUGH THEY KNOW THIS IS AGAINST PRISON POLICY.

THERE'S NO FIRE EQUIPMENT WHATSOEVER TO SAVE INMATES FROM DANGEROUS SITUATIONS LIKE THE ONE THAT OCCURRED ON 2-5-14. WE ARE LOCKED BEHIND A CELL DOOR WITH THREE SETS OF INDIVIDUAL LOCKS, AND THE SPRINKLERS ARE TAKEN OUT OF OUR CELLS. ALONG WITH THAT OUR WINDOWS ARE WELDED SHUT AND UNABLE TO OPEN. UNDER THESE MEASURES WE AS INMATES CANNOT SURVIVE LIKELY IF THIS CONTINUES TO BE AN ONGOING PROBLEM THE ADMINISTRATION IGNORES.

STATEMENT OF CLAIMS OF PLAINTIFFS

- ① PLAINTIFFS' STATES A CLAIM OF UNNECESSARY AND WANTON INFLICTION OF PAIN UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.
- ② PLAINTIFFS' STATES A CLAIM OF EXCESSIVE RISK TO SAFETY UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.
- ③ PLAINTIFFS' STATES A CLAIM OF DELIBERATE INDIFFERENCE TO A PRISON CONDITION THAT EXPOSES A PRISONER TO AN UNREASONABLE RISK OF SERIOUS HARM. UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.
- ④ PLAINTIFFS' STATES A CLAIM OF DEPRIVATION OF A BASIC HUMAN NEED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.
- ⑤ PLAINTIFFS' STATES A CLAIM OF "TOTALITY OF THE CIRCUMSTANCES" THEORY UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.
- ⑥ PLAINTIFFS' STATES A CLAIM OF "SPECIAL RELATIONSHIP" THEORY UNDER THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION.
- ⑦ PLAINTIFFS' STATES A CLAIM OF "STATE-CREATED DANGER" THEORY UNDER THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

⑧ PLAINTIFFS' STATES A CLAIM OF VIOLATION OF THE CLEAN AIR ACT FEDERAL STATUTE, AND GEORGIA STATUTE O.C.G. 4. 12-9-57

⑨ PLAINTIFFS STATES A CLAIM OF DELIBERATE INDIFFERENCE TO A SERIOUS MEDICAL NEED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

AT ALL TIMES DESCRIBED HEREIN, THE DEFENDANTS IN THIS COMPLAINT ACTIONS AND OMISSIONS WERE TAKEN UNDER COLOR OF STATE LAW.

EACH PLAINTIFF IN THIS SUIT IS BRINGING ACTION AGAINST ALL OF THE ABOVE DEFENDANTS IN THEIR INDIVIDUAL CAPACITY AND OFFICIAL CAPACITY, FOR EACH CLAIM STATED IN THIS COMPLAINT.

ATTACHMENT TO WITNESSES TO INCIDENTS

ARE RICHARD COSBY #1105889, CHRISTOPHER PHILLIPS. WITNESSES TO THE FIRE ON 10-28-13 WERE OFFICER HAGEN AND OFFICER JONES. OFFICER HAGEN CALLED THE FIRE DEPARTMENT, HELPED EVACUATE THE PRISONERS, AND DOCUMENTED THIS IN THE K-1 LOGBOOK. THE BALDWIN COUNTY FIRE DEPARTMENT WAS NOTIFIED OF BOTH FIRES ON 10-28-13 AND 2-5-14, BUT WAS NOT ALLOWED TO ENTER THE K-1 BUILDING THAT WAS FILLED WITH CLOUDS OF SMOKE. THE BALDWIN COUNTY POLICE DISPATCHER WHO WAS CALLED ON 2-5-14, BETWEEN THE HOURS OF 9:00 A.M. AND 11:00 A.M. BY A INMATE WITH A CELL PHONE WHO EXPRESSED THAT PRISONERS WERE TRAPPED INSIDE THEIR CELLS SURROUNDED BY SUFFOCATING SMOKE, THE K-1 DORMITORY WALL CAMERAS ARE ALSO EVIDENCE AND WITNESS TO BOTH INCIDENTS OF 10-28-13 AND 2-5-14. ROBERT DENNIS #927784 IS ALSO A WITNESS, HE STARTED BOTH FIRES. DANIEL COBBLE #758572, IS A WITNESS TO THE FIRST FIRE BECAUSE HE WAS HOUSED ON THE TOP-RANGE IN CELL # 24 ON 10-28-13. HE ALSO HEARD ABOUT THE SECOND FIRE BECAUSE HE WAS HOUSED IN THE NEXT DORM OVER FROM K-1, AND HE COULD CLEARLY SEE INTO K-1 DORMITORY ON 2-5-14. UPON INFORMATION AND BELIEF MARLOUSE ROBBINS AND MARCUS WARNER WAS INFORMED BY OFFICER BROWN, BADGE #2940 THAT RODNEY SMITH,

AND GARY HARDEN WANTED TO LEAVE THE PRISONERS ON THE RANGE TRAPPED IN THEIR CELLS WHILE THE HAZARDOUS SMOKE WAS SURROUNDING THE 1C-1 DORMITORY. OFFICER BROWN DECLINED ON LEAVING THE TRAPPED PRISONERS INSIDE OF THEIR CELLS TO FEND FOR THEMSELVES. OFFICER BROWN IS A WITNESS TO THE FIRE THAT OCCURRED ON 2-5-14.

ATTACHMENT OF RELIEF

- JOINTLY AND SEVERALLY TAX FREE IN ONE LUMP SUM AMOUNT, DISCRETIONARY DAMAGES IN THE AMOUNT OF \$10,000.00 AGAINST EACH DEFENDANT JOINTLY AND SEVERALLY TAX FREE IN ONE LUMP SUM AMOUNT, IRREPARABLE DAMAGES IN THE AMOUNT OF \$12,000.00 AGAINST EACH DEFENDANT JOINTLY AND SEVERALLY TAX FREE IN ONE LUMP SUM AMOUNT, PROXIMATE DAMAGES IN THE AMOUNT OF \$7,000.00 AGAINST EACH DEFENDANT JOINTLY AND SEVERALLY TAX FREE IN ONE LUMP SUM AMOUNT, AND EQUITABLE DAMAGES.
- ③ AWARD PLAINTIFFS' THE COSTS OF THIS LAWSUIT AND REASONABLE ATTORNEY FEES.
- ④ GRANT SECURITY REDUCTION TO EACH PLAINTIFF IN THIS SUIT AS RELIEF.
- ⑤ INJUNCTIVE RELIEF TO REMOVE ALL HAZARDS AND UNCONSTITUTIONAL DEPRIVATIONS TO PRISONERS SAFETY AND HEALTH AT BALDWIN STATE PRISON.
- ⑥ DEMANDS FOR TRIAL BY A JURY.
- ⑦ GRANT PAROLE CONSIDERATION FOR EACH PLAINTIFF WHO IS ELIGIBLE BY RULES AND REGULATIONS OF GEORGIA STATE LAW, IN THIS COMPLAINT.
- ⑧ ORDER SUCH ADDITIONAL RELIEF THIS COURT MAY DEEM JUST AND PROPER.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED
THE OPPOSING PARTY(IES) TO THIS ACTION WITH A TRUE
AND CORRECT COPY OF THE WITHIN AND FOREGOING
42 U.S.C. § 1983 COMPLAINT FORM AND MOTION
FOR APPOINTMENT OF COUNSEL BY PLACING A COPY OF
SAME IN THE UNITED STATES MAIL, WITH ADEQUATE
POSTAGE THEREON TO ENSURE PROMPT DELIVERY, AND
ADDRESSING IT TO: GREGORY LEONARD
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
P.O. BOX # 128
MACON, GEORGIA 31202

This 21ST day of FEBRUARY, 2014

Margaret Hoffman
Pro'se